

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

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HOUSE BILL 165  
PROPOSED COMMITTEE SUBSTITUTE H165-CSBG-1 [v.17]  
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Short Title: DOT Legislative Changes.-AB

(Public)

Sponsors:

Referred to:

March 1, 2021

A BILL TO BE ENTITLED  
AN ACT TO MAKE CHANGES TO LAWS, AS RECOMMENDED BY THE DEPARTMENT  
OF TRANSPORTATION.

The General Assembly of North Carolina enacts:

**PART I. DEPARTMENT OF TRANSPORTATION**

**MODIFY CAP ON CERTAIN PUBLIC PRIVATE PARTNERSHIPS**

**SECTION 1.** G.S. 136-18(39a)a. reads as rewritten:

"(39a) a. The Department of Transportation ~~or~~ and Turnpike Authority, as applicable, may enter into up to three agreements each with a private entity as provided under subdivision (39) of this section for which the provisions of this section apply."

**MODIFY TURNPIKE PROJECT REVENUE USE**

**SECTION 1.5** G.S. 136-89.188(a) reads as rewritten:

**"§ 136-89.188. Use of revenues.**

(a) Revenues derived from a Turnpike Project authorized under this Article shall be used ~~only~~ for the following costs associated with the Project from which the revenue was ~~derived~~ ~~or derived~~, a contiguous toll ~~facility~~ facility, or a different facility which has been approved by the Metropolitan Planning Organization (MPO) or Rural Planning Organization (RPO) of the area in which the Project from which the revenue was derived is located:

- (1) Authority administration costs.
- (2) Development, right-of-way acquisition, design, construction, expansion, operation, maintenance, reconstruction, rehabilitation, and replacement costs.
- (3) Debt service on the Authority's revenue bonds or related purposes such as the establishment of debt service reserve funds.
- (4) Debt service, debt service reserve funds, and other financing costs related to any of the following:
  - a. A financing undertaken by a private entity under a partnership agreement with the entity for the Project.
  - b. Private activity bonds issued under law related to the Project.
  - c. Any federal or State loan, line of credit, or loan guarantee relating to the Project.
- (5) A return on investment of any private entity under a partnership agreement with the entity for the Project.



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- (6) Any other uses granted to a private entity under a partnership agreement with the entity for the Project.  
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## REPEAL LIMIT ON FUNDS TO PAY MAP ACT SETTLEMENT COSTS

**SECTION 2.** Section 1.4(a) of S.L. 2019-251 is repealed.

## REVISIONS TO HIGHWAY MAINTENANCE IMPROVEMENT PROGRAM

**SECTION 3.** G.S. 143B-350(f)(4a) reads as rewritten:

"(4a) To approve a schedule of State highway maintenance projects and their anticipated cost. This schedule is designated the Highway Maintenance Improvement Program and is established in G.S. 136-44.3A. The Board shall publish the schedule on the Department's ~~Web site by April 1~~ website by June 1 of each year. The document that contains the Highway Maintenance Improvement Program shall include the anticipated funding sources for the improvement projects included in the Highway Maintenance Improvement Program, ~~a list of any changes made from the previous year's Highway Maintenance Improvement Program, and the reasons for the changes.~~ Program."

**SECTION 4.** G.S. 136-44.3A reads as rewritten:

### "§ 136-44.3A. Highway Maintenance Improvement Program.

(a) Definitions. – The following definitions apply in this Article:

- (1) ~~Cape seal treatment. – A chip seal treatment followed by a slurry seal treatment.~~
- (2) ~~Chip seal treatment. – A type of pavement preservation treatment applied to existing asphalt pavement. The treatment involves spraying an asphalt emulsion onto the roadway, applying a layer of aggregate chips, and rolling the chips into the emulsion. This term includes single, double, and triple chip seal treatments.~~
- (3) Highway Maintenance Improvement Program. – The schedule of State highway maintenance projects required under G.S. 143B-350(f)(4a).
- (4) Highway Maintenance Improvement Program Needs Assessment. – A report of the amount of funds ~~needed, the number of affected lane miles, and the percentage of the primary and secondary system roads that are rated to need a resurfacing or pavement preservation treatment within the Highway Maintenance Improvement Program's five year time period but are not programmed due to funding constraints.~~ needed and the quantity of work to be accomplished to meet and sustain the performance standards for the State highway system in each of the maintenance program categories.
- (5) ~~Microsurfacing treatment. – A type of pavement preservation treatment that involves mixing fine aggregate, asphalt emulsion, minerals, water, and a polymer additive, and applying the mixture to the roadway.~~
- (6) Pavement preservation treatment. – A pavement preservation treatment is a roadway improvement practice that improves roadway quality, and includes full width surface treatments used to extend or renew extends or renews the pavement life. Types of pavement preservation treatment include, hot-mixed asphalt overlays, cape seal treatment, chip seal treatment, microsurfacing, crack sealing, slurry seal, and fog seal.
- (7) Rehabilitation. – A contract resurfacing maintenance program that involves applying multiple layers of pavement that exceed two inches.

- (8) Resurfacing. – A contract resurfacing program that involves applying one layer that does not exceed two inches of pavement.
- (9) ~~Slurry seal treatment. – A type of pavement preservation treatment that involves mixing fine aggregate, asphalt emulsion, minerals, and water, and applying the mixture to the roadway.~~

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(c) Highway Maintenance Improvement Program. – After the annual inspection of roads within the State highway system, ~~each highway division shall determine and report to the Chief Engineer on (i) the need for rehabilitation, resurfacing, or pavement preservation treatments, (ii) the need for bridge and general maintenance, and (iii) projected changes to the condition of pavement on primary and secondary roads for each year over a five year period. The Chief Engineer shall establish a five year priority list for each highway division based on the Chief Engineer's estimate of need. In addition, the Chief Engineer shall establish a five year improvement schedule, sorted by county, for rehabilitation, resurfacing, and pavement preservation treatment activities. The schedule shall be based on the amount of funds appropriated to the contract resurfacing program and the pavement preservation program in the fiscal year preceding the issuance of the Highway Maintenance Improvement Program for all five years of the Highway Maintenance Improvement Program. State funding for the Highway Maintenance Improvement Program shall be limited to funds appropriated from the State Highway Fund system, all of the following shall occur:~~

- (1) The Chief Engineer shall establish the annual cost to meet and sustain the performance standards for pavement, bridge, and general maintenance activities for the State highway system.
- (2) The Division Engineer for each highway division shall determine and report to the Chief Engineer a five-year improvement schedule, sorted by county, for pavement, bridge, and general maintenance activities within each highway division. The schedule shall be based on the amount of funds appropriated to the pavement, bridge, and general maintenance programs in the fiscal year preceding the issuance of the Highway Maintenance Improvement Program for all five years of the Highway Maintenance Improvement Program. State funding for the Highway Maintenance Improvement Program shall be limited to funds appropriated from the State Highway Fund.

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(g) Report. – The Department shall submit the Highway Maintenance Improvement Program and Highway Maintenance Improvement Program Needs Assessment to the General Assembly by ~~April 1~~ June 1 of each year. If the General Assembly is in session, the Department shall report to the House of Representatives Appropriations Subcommittee on Transportation, the Senate Appropriations Committee on Transportation, and the Fiscal Research Division. If the General Assembly is not in session, the Department shall report to the Joint Legislative Transportation Oversight Committee and the Fiscal Research Division."

## **EXEMPT PORTS AUTHORITY FROM STATUTORY REQUIREMENTS TO OBTAIN CONSULTANT SERVICE CONTRACTS**

**SECTION 5.** G.S. 143-64.24 is amended by adding a new subdivision to read:

- "(9) The North Carolina State Ports Authority. The North Carolina State Ports Authority may only contract to obtain the services of a consultant after the proposed contract is approved by the Board of the North Carolina State Ports Authority."

## **PART II. DIVISION OF MOTOR VEHICLES**

**INSURANCE COMPANIES TO SUBMIT POLICY NOTIFICATIONS TO DIVISION ELECTRONICALLY**

**SECTION 6.** G.S. 20-309.2(c) reads as rewritten:

"(c) Form of Notice. – ~~Any insurer with twenty-five million dollars (\$25,000,000) or more in annual vehicle insurance premium volume shall submit the notices required under this section by electronic means. All other insurers may shall~~ submit the notices required under this section by ~~either paper or~~ electronic means."

**AUTHORIZE ONLINE RENEWALS FOR DMV ISSUED LICENSES, PERMITS, CERTIFICATES, AND REGISTRATIONS**

**SECTION 7.** Article 1 of Chapter 20 of the General Statutes is amended by adding a new section to read:

**"§ 20-4.04 Division authority to create electronic systems for renewals.**

(a) Authorization. – The Division is authorized to establish and maintain electronic systems and means for renewals of all licenses, permits, certificates, and registrations issued by the Division pursuant to this Chapter for the purposes of administrative efficiency and to modernize Division systems and practices. This authorization does not supersede or modify specific renewal authorizations set out in this Chapter.

(b) Reporting Requirement. – By December 31, 2021, and annually thereafter, the Division must report to the Joint Legislative Transportation Oversight Committee, the Fiscal Research Division, and Legislative Analysis Division, any electronic system or means for renewal that has been implemented or is in the processing of being implemented. This report shall also include any proposed legislative recommendations necessary as conforming changes to the General Statutes."

**HANDICAPPED PLACARD ONLINE RENEWAL**

**SECTION 8.** G.S. 20-37.6(c1) reads as rewritten:

"(c1) Application and Renewal; Medical Certification. – The initial application for a distinguishing license plate, removable windshield placard, or temporary removable windshield placard shall be accompanied by a certification of a licensed physician, a licensed ophthalmologist, a licensed optometrist, a licensed physician assistant, a licensed nurse practitioner, or the Division of Services for the Blind that the applicant or person in the applicant's custody or care is handicapped or by a disability determination by the United States Department of Veterans Affairs that the applicant or person in the applicant's custody or care is handicapped. For an initial application for a temporary removable windshield placard only, the certification that the applicant is handicapped may be made by a licensed certified nurse midwife. The application for a temporary removable windshield placard shall contain additional certification to include the period of time the certifying authority determines the applicant will have the disability. Distinguishing license plates shall be renewed annually, but subsequent applications shall not require a medical certification that the applicant is handicapped, except that a registered owner that certified pursuant to subsection (b) of this section that the registered owner is the guardian or parent of a handicapped person must recertify every five years. Removable windshield placards shall be renewed every five years, and, except for a person certified as totally and permanently disabled at the time of the initial application or a prior renewal under this subsection, the renewal shall require a medical recertification that the person is handicapped; provided that a medical certification shall not be required to renew any placard that expires after the person to whom it is issued is 80 years of age. Temporary removable windshield placards shall expire no later than six months after issuance. The Division shall offer renewal of handicapped credentials in person and online on the Division's website."

**DISQUALIFICATION FOR LIFE FROM DRIVING A CMV FOR CERTAIN  
CONVICTIONS OF SEVERE FORMS OF TRAFFICKING IN PERSONS**

**SECTION 9.** G.S. 20-17.4 is amended by adding a new subsection to read:

"(c2) Life. – A person shall be disqualified from driving a commercial motor vehicle for life, without the possibility of reinstatement, if convicted of a major disqualifying offense as defined in 49 C.F.R. § 383.51(b)(10)."

**PRE-REVOCACTION PROCESS/AUTOMATIC RESTORATION/DRIVERS LICENSE**

**SECTION 10.** G.S. 20-24.1 reads as rewritten:

**"§ 20-24.1. Revocation for failure to appear or pay fine, ~~penalty~~ penalty, or costs for motor vehicle offenses.**

(a) ~~The Division must revoke the driver's license of a person upon receipt of notice from a court that the person was charged with a motor vehicle offense and he:~~ Upon receipt of notice from the court, the Division shall revoke the drivers license of a person who was charged with a motor vehicle offense and failed to do either of the following:

- (1) ~~failed to appear, after being notified to do so, when the case was called for a trial or hearing; or~~ Appear, after being notified to do so, when the case was called for a trial or hearing.
- (2) ~~failed to pay a fine, penalty, or court costs ordered by the court.~~ Pay a fine, penalty, or court costs ordered by the court.

Revocation orders entered under the authority of this section are effective on the sixtieth day after the order is mailed or personally delivered to the person. Before the effective date of the revocation order issued pursuant to this section, a person whose license is to be revoked under subdivision (2) of subsection (a) may request a review by the Division to determine indigency by submitting a completed and notarized Affidavit of Indigence as prescribed by the Division. The Division may request additional documentation from the person requesting review if necessary to determine that person's financial status. The Division shall restore the person's license as provided in subsection (c) of this section if after review the Division determines the person is indigent. If after review the Division determines the person is not indigent, the person may seek relief under subsection (f) of this section, if eligible, or otherwise satisfy the requirements in subsection (c) of this section. The Department may adopt rules to implement the indigency review process authorized by this section."

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(c) ~~If the person satisfies the conditions of subsection (b) that are applicable to his case before the effective date of the revocation order, the revocation order and any entries on his driving record relating to it shall be deleted and the person does not have to pay the restoration fee set by G.S. 20-7(i1).~~ The Division shall delete the revocation order and any entries on the person's driving record relating to the revocation order and the Division shall not require the person to pay the restoration fee set by G.S. 20-7(i1) if the person: (i) is declared indigent by the Division under subsection (a) of this section, or (ii) satisfies the conditions of subsection (b) that are applicable to the person's case before the effective date of the revocation order. This action shall be taken automatically, without need for an in-person transaction at a Division office. For all other revocation orders issued pursuant to this section, ~~G.S. 50-13.12~~ G.S. 50-13.12, or G.S. 110-142.2, the person must pay the restoration fee and satisfy any other applicable requirements of this Article before the person may be relicensed. The Division shall accept payment of the restoration fee both online and in person at a Division office. After the restoration fee and other applicable requirements to restore the license are satisfied, the Division shall automatically, without need for an in-person transaction, restore the license.

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**PART III. EFFECTIVE DATE**

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**SECTION 11.** This act is effective when it becomes law.